

GILLIBRAND-NADLER "GREEN TAXIS" LEGISLATION WOULD ALLOW ALL HYBRID TAXI FLEET IN NEW YORK CITY, OTHER MAJOR CITIES

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Washington, D.C. — After losing the battle in federal court in late 2008, New York City, Boston, San Francisco, Seattle and other major cities across the country would be able to create an all hybrid taxi cab fleet under legislation that will be introduced Thursday by U.S. Senator Kirsten Gillibrand (D-NY) in the Senate and Rep. Jerrold Nadler (D-NY) in the House of Representatives. Senator Gillibrand also announced today that the Green Taxis Act of 2009 will be included as part of sweeping, comprehensive climate change legislation being introduced by Senators John Kerry and Barbara Boxer this morning. Since November of 2008, Rep. Nadler has been working directly with the City of New York, environmental organizations and the transportation industry to amend federal environmental law to allow a greener fleet of taxi cabs.

"After a few setbacks, today marks an enormous victory for New York City and all major cities across the country that want to improve the quality of air and quality of life for their citizens," said Senator Gillibrand, a member of the Environment and Public Works Committee. "By creating an all hybrid taxi fleet, we can improve air quality and lower carbon emissions. As a mother with an asthmatic child, I believe this is a win-win for our children and our efforts to combat climate change."

"The Green Taxi Act of 2009 is an important piece of environmental legislation that will amend federal policy to allow localities to improve the emission control and fuel economy standards of their taxi cabs," said Rep. Nadler. "As federal environmental law is currently written, it prevents local governments from making taxis environmentally friendly. This legislation will finally empower New York City and other cities to make their taxi fleets greener and more sustainable. I'm pleased to work with Senator Gillibrand on this important step toward making our nation cleaner and more energy efficient."

"Allowing cities like New York to set fuel efficiency standards for taxis is a common-sense step that would help clean the air and provide a guaranteed market for fuel-efficient cars," said Mayor Michael R. Bloomberg. "I want to thank Senator Gillibrand and Congressman Nadler for their work on the green taxis bill. It is encouraging to see the federal government working to remove barriers to fuel efficient taxis instead of creating them. Climate change is a difficult and growing problem that we can't afford to ignore."

The Green Taxis Act of 2009 amends both the Federal Energy Policy and Conservation Act (EPCA) and the Federal Clean Air Act (CAA) to allow local governments to regulate fuel economy and emissions standards for taxicabs. Under the bill, local jurisdictions can only set standards if the vehicles are commercially available or are manufactured pursuant to a contract with a State or political subdivision. Manufacturers could not be required to produce vehicles simply to meet local emissions specifications and taxis operators could not be required to use vehicles that are not readily available.

Upgrading taxis to clean and more efficient vehicles can have a significant impact on air quality and carbon emissions because they are heavily used. A typical passenger car travels an average of 15,000 miles per year, but in New York City, for example, a taxi travels an average of 80,000 miles per year. As in many cities, the current standard taxicab vehicle in New York City is the Crown Victoria, which achieves 15 miles per gallon (city) and has a California Air Quality Review Board emissions rating of LEV II, which is one of the worst emissions ratings for light duty vehicles.

Requiring greener taxis can provide many environmental and health benefits. Compared to the Crown Victoria, many fuel efficient vehicles emit roughly 71% less nitrogen oxide and 89% less hydrocarbons. These pollutants can lead to lung tissue damage and exacerbate asthma symptoms. Studies have shown that even a slight reduction in ambient levels of the pollutants that form smog could have a substantial health benefit. In NYC, upgrading taxis can reduce greenhouse gas emissions by more than 296,000 tons, or the equivalent of taking 35,000 cars off the road. Importantly, switching to fuel efficient vehicles would save each driver an average of \$4,500 annually in gas costs (assuming \$2.50 / gallon) and reduce the upwards pressure on passenger fares.

Consistent with other definitions in Federal law, the proposed legislation defines taxicabs as vehicles that meet all of the following five tests: 1) are automobiles carrying no more than 10 people, 2) are commercially available or manufactured pursuant to a contract with a State or political subdivision, 3) are operated for hire pursuant to an operating or other license by a State or political subdivision, 4) provide local transportation for a fare determined on the basis of time and / or distance traveled, and 5) do not exclusively provide transportation to and from airports. Therefore, buses and airport shuttles are excluded.

New York City, Boston, Seattle, and other cities across the country have attempted to clean their air and reduce their carbon emissions by greening their taxi fleets. Local government have passed rules mandating upgrades to cleaner, more efficient vehicles but unfortunately, these efforts have been blocked in court.

In October 2008, a federal judge dealt a major blow to New York City when he ruled that EPCA prevents the City from requiring new taxicabs to achieve a minimum fuel economy rating (*Metropolitan Taxicab Board of Trade v. City of New York*, No. 08 Civ. 7837, (S.D.N.Y. Oct. 31, 2008)). In response, the City enacted a package of incentives rather than fuel economy requirements; however, a federal judge also found this package was likely preempted (*Metropolitan Taxicab Board of Trade v. City of New York*, No. 08 Civ. 7837 (S.D.N.Y. June 22, 2009)). Most recently, the City of Boston's rules to require hybrid taxis were stopped in Federal Court (*Ophir v. City of Boston*, No. 09 Civ. 10467 (D. Mass July 23, 2009)).

An act of Congress such as the Green Taxis Act of 2009 is required to give local governments the tools to decrease emissions from taxis.